

Building Blocks for Effective Housing Elements

Housing Programs: Equal Housing Opportunities

Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability (Government Code Section 65583(c)(5)).

I. REQUIRED COMPONENTS OF PROGRAM ACTIONS

Effective programs reflect the results of the local housing need analyses, identification of available resources including land and financing, and the mitigation of identified governmental and nongovernmental constraints. Programs are the specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific time frame for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction's specific role in implementation.

Sample Program Format

Description of Specific Actions Steps, Jurisdiction's Specific Role in Implementation and Demonstration of Commitment to Implement:

Timeframe
Responsible Agency
Objectives (Quantified, where possible)
Funding Sources (Where appropriate)

II. PROGRAM REQUIREMENTS

Since State and federal laws uniformly outlaw most kinds of housing discrimination, the local government's role is to identify program strategies that support and implement these laws. Such strategies may include consultation with fair housing and counseling organizations in the community to document the incidence of housing discrimination and evaluation of the availability of services.

If fair housing services are not available or are inadequate, the locality can request technical assistance from HUD (<http://www.hud.gov/offices/fheo>), the Housing Unit of the State Department of Fair Employment and Housing (<http://www.dfeh.ca.gov>), and/or local, regional, private fair housing organizations to help develop specific local government actions to promote equal housing opportunities.

Fair Housing laws make it illegal to discriminate against any person because of race, color, religion, sex, disability, familial status, national origin, ancestry, marital status, sexual orientation, source of income and age in the rental or sale, financing, advertising, appraisal, provision of real estate brokerage services, etc., and land-use practices. See Government Code Sections 12955 and 65008 for further information. Section 65008 also expressly prohibits localities from discriminating against residential development or emergency shelters if the intended occupants are low-income or if the development is subsidized.

In the housing element, a local equal housing opportunity program must provide a means for the resolution of local housing discrimination complaints and should include a program to disseminate fair housing information and information about resources throughout the community. The local program must involve the dissemination of information on fair housing laws, and provide for referrals to appropriate investigative or enforcement agencies. Where appropriate, communities should distribute fair housing information in languages other than English. Sites for display of fair housing information include buses, community and senior centers, local social service offices, and other public locations including civic centers or county administrative offices.

The element must also address any zoning or other land-use laws or practices that either expressly discriminate against a group protected by the fair housing laws or have the effect of discriminating against a group (Pursuant to Government Code Section 12955.8).

In larger and/or urban jurisdictions, more direct program actions would be appropriate such as a commitment to use CDBG funds to support fair housing information and referral and counseling services. The locality may wish to contract with or create a fair housing council to investigate and resolve discrimination complaints, and advocate specific equal housing opportunity actions before community and business organizations.

Jurisdictions receiving “entitlement” (i.e., CDBG, HOME) must prepare a Consolidated Plan that includes certification that the jurisdiction will affirmatively further fair housing, conduct an analysis to identify impediments to fair housing choice, and take actions to overcome the effects of any impediments identified. Many jurisdictions cross-reference and/or incorporate fair housing information and data from the Consolidated Plan into their housing element. For example, the Consolidated Plan requires the “analysis of impediments to fair housing choice” (AI) that addresses barriers to equal housing opportunities. The element should incorporate this information to facilitate an adequate analysis. Further, barriers identified in the AI should be addressed by programs in the housing element.

III. POLICY AND PROGRAM OPTIONS

The following are examples of successful policies, plans, and practices to identify barriers and promote fair housing:

- Use CDBG funds for fair housing enforcement, education, and technical assistance activities.
- Ensure all new, multifamily construction meets the accessibility requirements of the federal and State fair housing acts through local permitting and approval processes.
- Approve agreements to conduct banking such as establishing accounts and making deposits to reward lenders with exemplary records of compliance with Federal Community Reinvestment Act (CRA).
- Increase or maintain resources to establish and support outreach, public education and community development activities through community based or neighborhood organizations.
- Consult with a wide range of groups throughout the entire community and consider environmental justice issues in the development and update of regulations, guidelines and other local programs.
- Work with schools to establish a fair housing curriculum such as coloring books, poster contests, puppet shows and classroom lessons.
- Increase housing choices for households with Section 8 vouchers through affirmative marketing and expanding participating property owners.
- Adopt ordinances that prohibit discrimination by landlords against tenants with Section 8 vouchers.
- Amend ordinances that have the purpose or effect of precluding the development of affordable housing.

All units of government are required to comply with the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in employment, public and commercial facilities, delivery of services, zoning and land-use.

IV. MODEL PROGRAMS

Program 1

The City will contract with the Fair Housing Council to provide fair housing services to its residents and property owners. Services include:

- Distributing educational materials to property owners, apartment managers, and tenants every two years.
- Making public service announcements (PSAs) via different media (e.g., newspaper ads and public service announcements at local radio and television channels) at least two times a year.
- Conducting public presentations with different community groups.
- Responding to complaints of discrimination (i.e., in-taking, investigation of complaints, and resolution).
- Referring services to appropriate agencies.

Funding: CDBG

Lead Agency: Housing and Redevelopment Department

Objectives and Timeframes:

- Distribute educational materials every two years.
- Produce PSAs two times a year.
- Annually meet with Fair Housing Council for update on issues and strategies.

Program 2

Refer discrimination complaints to the Fair Housing Network and ensure complaints are resolved. The city will participate and distribute fair housing materials at a variety of community activities including the 4th of July fair, Santa Day, local heritage fair and the community's annual hot dog eating contest to reach out to all segments of the community. The city will annually conduct fair housing in-service trainings press releases, directly contact interest groups for distributing fair housing materials, mail fair housing materials through utility billings and post fair housing information in a variety of community locations such as the library, bus stops, public counters and post office. Other specific actions include:

- a. A pamphlet on equal housing opportunity to be prepared by January 2009 and distributed to the public through a variety of groups and locations as described above within two months.

- b. Identify local nonprofits, service organizations and community groups by December 2008 and distribute fair housing information every two years.

Responsibility: Community Development Agency
Financing: Staff Time
Objectives: Respond to discrimination complaints and public education

V. PROGRAM IMPLEMENTATION SAMPLE

Fair Housing Website – City of Citrus Heights

Fair Housing

Your rights and responsibilities:

- What should I do if my landlord is not making needed repairs?
- What do I do if my tenant is damaging my rental?
- Can a landlord force a tenant to move?
- How much notice does a tenant need to give before moving?
- How do I get my deposit back?
- What can I deduct from the tenant's deposit?
- When can the rent be increased? How much?
- What are my rights as a disabled renter?
- What is housing discrimination?

These are all common questions landlords and tenants have. The City of Citrus Heights and the Sacramento Human Rights/Fair Housing Commission have the answers. To contact Fair Housing staff, call (916) 727-4931 or (916) 444-6903 ext.135. To get a copy of the [Fair Housing Handbook](#), please visit or call (916) 725-2448.

The Fair Housing Handbook includes information on:

- housing discrimination;
- the rights and responsibilities of the tenant and landlord;
- Citrus Heights housing programs;
- the services of the Human Rights/Fair Housing Commission; and
- other agencies that provide assistance and information.

Other resources for tenant/landlord and housing discrimination information include:

[California Department of Consumer Affairs](#) - (800) 952-5210

- ["A Guide to Residential Tenants' and Landlords' Rights and Responsibilities"](#)

[Legal Services of Northern California](#) - (916) 551-2150

- [Local offices](#)
- [Housing law](#)

[Rental Housing Association](#) - (916) 920-1120

- [Renter resources](#)
- [Landlord education](#)

[California Apartment Association](#) - (800) 967-4222

- [Info and answers](#)
- [Legal center](#)

[U.S. Department of Housing and Urban Development \(HUD\)](#)

- [Local HUD offices](#)
- [Federal fair housing law](#)
- [Office of Fair Housing and Equal Opportunity](#)
- [Filing a federal fair housing complaint](#)

[California Dept. Fair Employment and Housing](#) - (800) 233-3212

- [California fair housing law](#)
- [FAQs](#)
- [To make a state fair housing complaint](#)
- [Publications and brochures](#)

VI. LINKS

General

[HCD Affordable Housing Programs Bibliography](#)

[HCD Mobilehome Park Ombudsman](#)

[HUD Fair Housing and Equal Opportunity Office](#)

[Housing Unit of the State Department of Fair Employment and Housing](#)

[State Department of Fair Employment and Housing Downloadable Fair Housing Video](#)

[State Department of Fair Employment and Housing Downloadable Fair Housing Poster](#)

[Legal Services of Northern California Fair Housing Manual](#)

[Housing Assistance Council: Fair Housing, The Zoning Process and Land Use Politics in Rural Areas](#)

Program Links

[Fair Housing of Sonoma County](#)

[City of Santa Maria Fair Housing Program](#)

[Legal Services of Northern California Fair Housing Project for Yolo County](#)

[San Diego County Fair Housing Program](#)

[City of Citrus Heights Fair Housing](#)

[San Diego County Reinvestment Task Force \(CRA Strategies\)](#)

[City of San Leandro Fair Housing Brochure](#)